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June 30, 2005

VIA ELECTRONIC FILING

Marlene H. Dortch, Esq.
Secretary
Federal Communications Commission
445 12th Street, SW
Washington, DC 20554

Re: MB Docket No. 03-15
WFIE-DT (Evansville, Indiana)
Facility ID No. 13991
FCC File No. BMPCDT-20020313AAW
Request for Waiver of July 1, 2005 Replication/Maximization Deadline

Dear Ms. Dortch:

LibCo, Inc. ("LibCo"), permittee of television station WFIE-DT (Evansville, Indiana) (the "Station"), by its attorneys, hereby requests waiver of the Commission's July 1, 2005 replication/maximization interference protection deadline. Due to circumstances beyond its control, LibCo has been unable to implement its full maximization facilities for the Station (See FCC File No. BMPCDT-20020313AAW).

In its *Second DTV Periodic Review Report and Order*,¹ the Commission adopted a July 1, 2005 replication/maximization interference protection deadline for DTV licensees affiliated with the top-four networks in the top 100-ranked designated market areas. If a station subject to this deadline had not completed construction of its replication or maximization facilities by this date it would lose interference protection to the unserved area. The Commission further stated that, in cases where a station was unable to meet the applicable deadline due to "circumstances beyond a station's control," the Commission would "establish a limited waiver process and grant extensions of the applicable replication or maximization interference protection deadline on a six-month basis if good cause is shown."² To receive such a waiver, broadcasters were required to make a showing "similar to that required to obtain a waiver of the DTV construction deadlines."

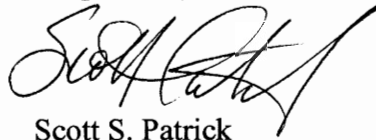
¹ Second Periodic Review of the Commission's Rules and Policies Affecting the Conversion to Digital Television, *Report and Order*, 19 FCC Rcd 18279 (rel. Sept. 7, 2004).

² *Id.* at ¶ 87. See also *Public Notice*, DTV Channel Election Issues – Compliance with the July 1, 2005 Replication Maximization Interference Protection deadline; Stations Seeking Extension of the Deadline, DA 05-1636 (rel. June 15, 2005).

LibCo has been unable to implement full maximization facilities for WFIE-DT due to reasons beyond its control. Specifically, Harris Corporation ("Harris"), the contractor employed by LibCo to deliver and install the Station's DTV transmission system, will be unable to do so before July 1, 2005 as had been expected. In the attached letter, Harris explains that "manufacturing loading [has] necessitated a delay of the DTV transmitter." Harris goes on to estimate that it can deliver and install the WFIE DTV transmission system by mid-August.

Based on the foregoing, LibCo believes that it has shown good cause for the Commission to grant a waiver of the maximization/replication deadline for the Station. For reasons beyond its control, LibCo will be unable to complete construction of full facilities prior to July 1, 2005. These facilities, however, will be completed shortly. Accordingly, LibCo respectfully requests that the Commission grant a brief forty-five day waiver of the interference protection deadline for WFIE-DT through and until August 15, 2005, when the full power facilities are expected to be placed into operation.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read "Scott S. Patrick", written over a horizontal line.

Scott S. Patrick

Enclosure

cc (w/encl.): Shaun Maher (FCC)

ATTACHMENT

Harris Corporation Correspondence



HARRIS CORPORATION

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WFIE-TV
Bobby Barnett, Chief Engineer
1115 Mt. Auburn Rd.
Evansville, IN 47712

Re: WFIE -DT Purchase of DTV Transmission System

Dear Mr. Barnett:

This letter memorializes discussions between Harris and Liberty Corp in connection with WFIE's purchase from Harris of a DTV transmission system for its WFIE -DT operation on Channel 46 serving Evansville, IN. Throughout the negotiation process that culminated in WFIE's purchase order 517 urged Harris to complete the construction of the transmission system and have it delivered and installed by July 1, 2005. While Harris was not in a position to make a written commitment to that schedule, Harris made its best efforts to accommodate that deadline and intended to do so at the time that the agreement was executed. Unfortunately, Harris encountered manufacturing loading which necessitated a delay of the DTV transmitter purchased by WFIE. This loading process made meeting the July 1, 2005 deadline impossible. Harris now believes that it will be able to deliver and install the WFIE system in, approximately, mid-August, 2005.

Harris agrees that a copy of this letter may be submitted to the Federal Communications Commission in support of a WFIE request for extension of time. Harris again thanks you for your business.

Very truly yours,

JOE MACK

JOE MACK
DIRECTOR, NATIONAL ACCOUNTS
HARRIS BROADCAST DIVISION